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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application

Inventors: Gluckman, et al.
Appl. No.: 10/568,573
Confirm. No.: 7135
Filed: February 16, 2006
Title: SOMATOGENIC THERAPY USING A 20kda
PLACENTAL VARIANT OF GROWTH
HORMONE

PATENT APPLICATION

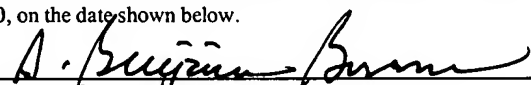
Art Unit:
Examiner:

Customer No. 23910

Based from International Appli. No.: PCT/US2004/027187
International Filing Date: August 19, 2004

CERTIFICATE OF TRANSMISSION/MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

 (Attorney Signature)
D. Benjamin Borson, Ph.D., Reg. No.: 42,349
Signature Date: May 18, 2006

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Enclosed with this statement are the following:

- ☒ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.

- ✓ As allowed under 37 C.F.R. § 1.98(a)(2)(ii), no copies of the U.S. patents and U.S. patent application publications are enclosed, unless required by the office.
- ✓ A copy of an International Search Report dated February 2, 2005 for International Application No. PCT/US2004/027187.
- ✓ A copy of International Application No. PCT/EP02/08919, filed 7 June, 2002, International Publication Number WO 02/101002 A2, International Publication Date December 19, 2002.
- ✓ A copy of International Application No. PCT/US2005/026061, filed 22 July, 2005, International Publication Number WO 2006/012525 A2, International Publication Date February 2, 2006.
- ✓ A copy of European Patent Application No. 97929492.3, Publication No. EP 0 916 345 A1.
- ✓ A copy of European Patent Application No. 93307102.9, Publication No. 0 587 427 A1.

This statement should be considered because:

- ✓ **37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:
 - (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);
-- OR --
 - (2) It is being filed within 3 months of entry of a national stage;
-- OR --
 - (3) It is being filed before the mailing date of the first Office Action on the merits,
-- OR --
 - (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

Fee Authorization. The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325.

Respectfully submitted,
FLIESLER MEYER LLP

Date: May 18, 2006

By: D. Benjamin Borson
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Sheet 1 of 1

Form PTO-1449 (Substitute)		DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			Attorney Docket Number ERNZ-01082US3		Application/Patent Number 10/568,573	
Information Disclosure Statement BY APPLICANT <i>(Use several sheets if necessary)</i>					Applicant/Patent Owner Gluckman, et al.			Group Art Unit
					Filing/Issue Date February 16, 2006			
U.S. PATENTS								
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date	
		4,670,393	Jun. 2, 1997	Seeburg	435	240	Mar. 1, 1984	
		5,962,411	Oct. 5, 1999	Rosen, et al.	514	12	Sep. 16, 1996	
		6,399,565 B1	June 4, 2002	Asada, et al.	514	2	Dec. 15, 1997	
		6,417,237	July 9, 2002	Dadey, et al.	514	937	June 8, 2000	
		6,436,674 B1	Aug. 20, 2002	Honjo, et al.	435	69.7	Oct. 31, 2001	
FOREIGN PATENT DOCUMENTS								
Examiner Initial		Document Number	Publication Date	Country	Class	Subclass	Trans- lation Yes No	
		WO 02/101002 A2	19.12. 2002	PCT	7	C12N	✓	
		EP 0 916 345 A1	15.01.1998	Europe	6	A61K 38/27	✓	
		EP 0587 427 A1	09.09.1993	Europe	5	C12N 15/70	✓	
OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)								
		Cesar L. Boguszewski, et al., Cloning of Two Novel Growth Hormone Transcripts Expressed in Human Placenta; <i>Journal of Clinical Endocrinology and Metabolism</i> , New York, NY US, Vol. 83, No. 8, August 1998 (1998-08), pgs. 2878-2885, XP002284559, ISSN: 0021-972X.						
Examiner					Date Considered			
<p>*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>								
<p>*1 = Copy not submitted because it was submitted in prior application SN <u> </u> / <u> </u>, filed <u> </u>, 20<u> </u>, relied on under 35 USC §120.</p> <p>**2 = Copy not submitted because it was submitted in prior application SN <u> </u> / <u> </u>, filed <u> </u>, 20<u> </u>, relied on under 35 USC §120.</p>								